

REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action, for the acknowledgement that the drawings are acceptable, and for the acknowledgement of Applicants' claim for foreign priority and the receipt of the certified copies of the priority documents. Applicants additionally wish to thank the Examiner for considering the materials cited in the Information Disclosure Statements filed in the present application on November 28, 2005 and September 8, 2006 by the return of the signed copies of the Forms PTO-1449 attached to the Official Action.

In the Official Action, claims 1-7 and 19 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 8-18 and 20-21 were allowed.

Upon entry of the amendment claims 8, 19, and 20 have been amended. Claims 1-7, 9-18, and 21 have been canceled. New claims 22-23 have been added. Thus, claims 8, 19, 20, and 22-23 are currently pending for consideration by the Examiner.

With regard to the rejection of original claims 1-7 and 19 under 35 U.S.C. § 101, the Official Action asserted that the claims were directed to a recording medium storing non-functional descriptive material. Claims 1-7 have been canceled. Additionally, amended independent claim 19 recites a computer readable recording medium in which a computer readable application, a life cycle specifying an executable period of the computer readable application, a digital stream, and management information including information indicating playback control information of the digital stream that is performed during the life cycle, are recorded. Accordingly, Applicants submit that claim 19 defines structural and functional interrelationships between the computer readable application (together with the life cycle of the computer readable application, the digital stream, and the management information that are

interrelated with the computer readable application) and the rest of the computer which permit the computer readable application's functionality to be realized, and is thus statutory. Thus, Applicants submit that claim 19 fully meets the statutory criteria discussed in MPEP § 2106.1, Section I, entitled "Functional Descriptive Material: 'Data Structures' Representing Descriptive Material *Per Se* or Computer Programs Representing Computer Listings *Per Se*."

New claim 22 is dependent upon independent claim 19, and explicitly recites a computer for playing back the digital stream while executing the computer readable application recorded in the computer readable recording medium according to claim 19.

Some of the subject matter included in original claim 2, which was dependent upon original independent claim 1, has been generally rewritten in independent method form as new claim 23, and recites a computer readable recording medium therein. Thus, Applicants submit that new claim 23 is also statutory. Accordingly, Applicants submit that all of the currently pending claims are statutory.

In response to the statement for reasons for allowance indicated by the Examiner on pages 2-3 of the Official Action, Applicants wish to clarify the record with respect to the basis for the patentability of the claims in the present application. In this regard, while Applicants do not disagree with the Examiner's indication of allowability, Applicants submit that each of the claims in the present application recites a combination of features, and that the basis for patentability of each of these claims is based on the combination of features recited therein.

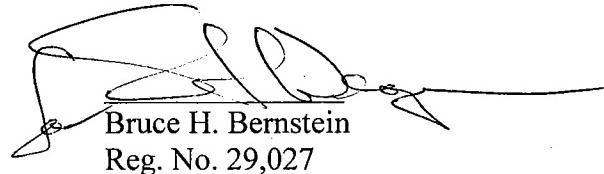
SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully request an indication to that effect. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Hiroaki IWAMOTO et al.



Bruce H. Bernstein
Reg. No. 29,027

**Steven Wegman
Reg. No. 31,438**

February 25, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191